

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN JESSE LASLOVICH**, on January 12, 2007  
at 8:00 A.M., in Room 303 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Jesse Laslovich, Chairman (D)  
Sen. Aubyn Curtiss (R)  
Sen. Carol C. Juneau (D)  
Sen. Dan McGee (R)  
Sen. Lynda Moss (D)  
Sen. Jerry O'Neil (R)  
Sen. Gary L. Perry (R)  
Sen. Jim Shockley (R)  
Sen. David E. Wanzienried (D)

##### **Members Excused:**

Sen. Carol Williams (D)  
Sen. Gerald Pease (D)  
Sen. Larry Jent (D)

**Members Absent:** None.

**Staff Present:** Carol Andersen, Committee Secretary  
Valencia Lane, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 125, 1/9/2007; SB 146, 1/9/2007;  
SB 141, 1/9/2007  
Executive Action: SB 104, SB 5, SB 15

**HEARING ON SB 125**

**Opening Statement by Sponsor:**

00:01:28 SEN. DAN HARRINGTON (D), SD 38, opened the hearing on SB 125, State hospital forensic exam, treatment, commitment, transfer.

**Proponents:**

00:05:35 Ed Amberg, Director, Montana State Hospital at Warm Springs

**EXHIBIT(jus08a01)**

00:10:49 Ginny Hill, Forensic Psychiatrist, Montana State Hospital

**EXHIBIT(jus08a02)**

00:14:57 Paulette Coleman, Attorney for Montana State Hospital

**EXHIBIT(jus08a03)**

00:20:09 John Larson, District Judge

00:25:47 Beda Lovitt, Montana Psychiatric Association

**Opponents:**

00:28:23 Beth Brenneman, Montana Protection and Advocacy Program

**Informational Testimony:**

00:34:39 Kathy McGowan, Montana Association of Counties (MACo)

**Questions from Committee Members and Responses:**

00:37:01 Sen. O'Neil to Ginny Hill

00:39:39 Sen. Shockley to Ginny Hill

00:40:04 Sen. McGee to Judge Larson

00:45:07 Sen. Shockley to Ed Amberg

00:48:19 Sen. O'Neil to Beth Brenneman

00:48:55 Sen. Laslovich to Paulette Coleman

00:51:33 Sen. Perry to Judge Larson

**Closing by Sponsor:**

00:54:43 Sen. Harrington

**HEARING ON SB 146**

**Opening Statement by Sponsor:**

00:56:08 **SEN. JIM SHOCKLEY (R), SD 45**, opened the hearing on **SB 146**, Revise juvenile delinquency intervention act.

**Proponents:**

01:06:21 Lois Menzies, Court Administrator, Montana Supreme Court

[EXHIBIT\(jus08a04\)](#)

[EXHIBIT\(jus08a05\)](#)

[EXHIBIT\(jus08a06\)](#)

01:09:18 Mike Ferriter, Director, Montana Department of Corrections

01:12:49 Cheryl Wood, Director, Montana Association of Counties

01:14:49 John Larson, Judge, Missoula and Mineral Counties

01:21:05 Beth Brenneman, State Advocacy Program

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:25:19 Sen. McGee to Sen. Shockley

01:26:18 Sen. McGee to Judge Larson

**Closing by Sponsor:**

01:27:38 Sen. Shockley

01:28:21 Sen. Moss assumed the Chair

**HEARING ON SB 141**

**Opening Statement by Sponsor:**

01:28:56 **SEN. JESSE LASLOVICH (D), SD 43**, opened the hearing on **SB 141**, Revise fingerprint and photo provisions of criminal justice information act.

**Proponents:**

01:33:49 Ali Bovingdon, Attorney General's Office

**EXHIBIT(jus08a07)**

01:39:10 Jim Kembel, Montana Association of Chiefs of Police (MACOP)

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:39:49 Sen. O'Neil to Sen. Laslovich

01:41:36 Sen. O'Neil to Ali Bovingdon

01:42:37 Sen. O'Neil to Jim Kembel

01:44:12 Sen. McGee to Jim Kembel

**Closing by Sponsor:**

01:45:03 Sen. Laslovich

01:47:26 Break

02:14:40 Resume

**EXECUTIVE ACTION ON SB 104**

02:14:43 Sen. Laslovich

02:15:58 **Motion:** **SEN. JENT** moved that **SB 104 DO PASS**.

Discussion:

02:16:41 **Motion:** SEN. LASLOVICH moved that CONCEPTUAL AMENDMENT BE ADOPTED.

02:17:08 Discussion:

02:28:26 **Motion/Vote:** SEN. LASLOVICH CALLED THE QUESTION ON AMENDMENT. Motion carried unanimously by voice vote. SEN. JUNEAU, SEN. WANZENRIED and SEN. WILLIAMS voted aye by proxy.

02:29:08 **Motion/Vote:** SEN. MCGEE moved that SB 104 DO PASS AS AMENDED. Motion carried unanimously by voice vote. SEN. JUNEAU, SEN. WANZENRIED and SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON SB 5

02:29:20 Sen. Laslovich

Discussion:

02:29:46 **Motion:** SEN. SHOCKLEY moved that SB 5 DO NOT PASS.

Discussion:

02:30:08 Sen. O'Neil

02:30:10 Valencia Lane, LSD

02:31:42 **Substitute Motion:** SEN. MCGEE made a SUBSTITUTE MOTION that SB 5 BE TABLED.

02:32:23 Sen. Laslovich

02:21:30 **SEN. MCGEE withdrew his motion TO TABLE.**

Discussion:

02:32:54 Sen. McGee to Valencia Lane

02:33:32 Sen. O'Neil to Valencia Lane

02:35:07 Sen. McGee

02:36:23 Sen. Perry

02:36:40 Sen. Laslovich

02:36:43 **Motion/Vote:** SEN. MCGEE moved that SB 5 DO PASS\*.  
Motion carried 10-2 with SEN. LASLOVICH and SEN. PERRY  
voting no.

**\*This Motion was later discovered to have been  
incorrectly entered. The Motion was TO TABLE. Motion  
to table carried 10-2 with SEN LASLOVICH and SEN.  
PERRY voting no. SB 5 was read on the Senate Floor.**

02:37:11 Sen. Perry

02:37:20 Sen. Laslovich

02:37:25 Sen. Pease

02:37:38 Sen. O'Neil

02:37:41 Sen. Laslovich

02:38:04 Sen. O'Neil

02:38:25 Sen. Moss

02:39:01 Sen. Laslovich

**EXECUTIVE ACTION ON SB 15**

02:39:25 Sen. Laslovich

02:43:42 **Motion:** SEN. SHOCKLEY moved that SB 15 DO PASS.

**Discussion:**

02:43:49 Sen. Shockley to Valencia Lane, LSD

**EXHIBIT(jus08a08)**

02:43::51 Sen. McGee

02:47:08 Sen. Jent

03:23:33 Sen. Joe Tropila

03:23:59 **Motion:** SEN. O'NEIL moved that CONCEPTUAL AMENDMENT BE  
ADOPTED.

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**Discussion:**

- 03:28:49 **Motion/Vote:** Motion failed 5-7 by roll call vote with SEN. JUNEAU, SEN. MOSS, SEN. O'NEIL, SEN. WANZENRIED, and SEN. WILLIAMS voting aye.
- 03:30:21 **Discussion:**
- 03:30:25 **Motion/Vote:** SEN. JENT CALLED THE QUESTION. Motion carried 9-3 by roll call vote with SEN. JUNEAU, SEN. O'NEIL, and SEN. WILLIAMS voting no.
- 03:35:33 Sen. Laslovich welcomed honor students from Anaconda.
- 03:36:18 Sen. McGee to Sen. Laslovich

**ADJOURNMENT**

Adjournment: 11:36 A.M.

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SEN. JESSE LASLOVICH, Chairman

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CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

**EXHIBIT ([jus08aad.pdf](#))**